

August 26, 1935

Mr. John R. Long
Special Agent
Insurance Companies
718 Title & Trust Building
Phoenix, Arizona

Dear Sir:

Confirming our conversation of a few days ago relative to requirements of official bonds, on two of which you have asked for the approval of the Attorney General as to form.

Section 71, Revised Code of Arizona, 1928, reads as follows, to-wit:

"All official bonds shall be in form, joint and several, and made payable to the state of Arizona, and the condition shall be that the principal will well, truly, and faithfully perform all official duties then required, or as may be imposed on him, by law. Such bond must be signed by the principal and at least two sureties or a qualified surety company, and shall comply and be subject to the law governing the bond of such officer."

Section 74, Revised Code of Arizona, 1928, reads as follows, to-wit:

"Every official bond executed by an officer pursuant to law is in force and obligatory upon the principal and sureties therein for any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office, and whether such breaches are committed or suffered by the principal officer, his deputy or clerk. Whenever, except in criminal prosecutions, any penalty, for-

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feiture or liability, is imposed on any officer for non-performance, or mal-performance of official duty, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon. Every such bond is in force and obligatory upon the principal and sureties therein for the faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of such bond, and such condition must be expressed therein."

Section 84, Revised Code of Arizona, 1928, reads as follows, to-wit:

"Any surety on the official bond of any officer, may be relieved from liabilities thereon afterwards accruing by complying with the following provisions: Such surety must file with the person authorized by law to approve such official bond, a sworn statement in writing setting forth his desire to be relieved from liability thereon afterwards arising, and the reasons therefor; serve notice of the filing of such statement on the officer named in such official bond, and make return or affidavit of service thereon and file the same with the approving officer. In ten days after the service of such notice, the person authorized to approve such bond must make an order declaring such office vacant, and releasing such surety from all liability thereafter to arise on such official bond, and such office thereafter is in law vacant, and must be immediately filled by election or appointment, as in other cases of vacancy, unless such officer has before that time given good and ample surety for the discharge of all his official duties as required originally."

With these three sections before you, I am sure that you will have no difficulty in changing the wording and

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provisions of the official bonds referred to to comply with our state laws.

When this has been done, I shall be very glad to look them over again and approve them as to form.

Yours very truly,

JOHN L. SULLIVAN
Attorney General

A. I. WINSETT
Assistant Attorney
General